

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHARLES PHILIPPART,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. C18-1618 MJP

ORDER ON MOTION FOR
ATTORNEY'S FEES

This matter comes before the Court on Plaintiff's Motion for Attorney Fees. (Dkt. No. 18.) Having reviewed the Motion, the Response (Dkt. No. 21), and all supporting materials, the Court GRANTS the Motion.

The Court finds that fees are properly awarded under 42 U.S.C. § 406(b). Specifically, the Court finds that the nature of the results achieved and the time spent justifies an award and that the requested amount (\$10,728.37) is reasonable. Additionally, counsel asks that the Court deduct from the \$10,728.37 those fees she has already received under the Equal Access to Justice Act. The Motion states that counsel has received \$2,990.48 (Dkt. No. 18), while counsel's

1 declaration and supporting materials state that she received \$2,894.08 (Dkt. No. 19). The Court
2 relies on the declaration of counsel and supporting materials, which show the amount received
3 was \$2,894.08, not the \$2,990.48 reported in the Motion. (Compare Dkt. No. 18 with 19.)
4 Applying this deduction, the Court AWARDS \$7,834.29 in fees under 42 U.S.C. § 406(b). (Dkt.
5 No. 19.) The Court notes that this award differs from the award requested in Motion—\$4,940.95.
6 (Dkt. No. 18 at 1.) The Court has not awarded this lower figure because it does not appear to
7 derive from the supporting materials and it is not the sum derived from the subtraction of
8 \$2,894.08 from \$10,728.37.

9 In accordance with agency policy, if the Social Security Administration is still
10 withholding this amount, it is directed to send this amount to Plaintiff's attorney, Amy
11 Gilbrough, minus any applicable fees ordered by statute. If the Commissioner has not withheld
12 past-due benefits sufficient to satisfy this order and Plaintiff's attorney reports she is unable to
13 collect the fee from the claimant, the Commissioner will satisfy this order via the procedures in
14 the Program Operation Manual System (POMS) GN 03920.055C.

15 The clerk is ordered to provide copies of this order to all counsel.

16 Dated June 18, 2024.

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18 Marsha J. Pechman
19 United States Senior District Judge
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